

Message Text

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ACTION AF-10

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E.O. 11652: N/A
TAGS: PGOV, PDEV, NI
SUBJECT: CONSTITUENT ASSEMBLY: STATUS REPORT

REF: (A) LAGOS 3451, (B) LAGOS 1672

SUMMARY: HAVING VIRTUALLY COMPLETED WORK ON THE
LEGISLATIVE SECTIONS OF THE CONSTITUTION, THE CONSTITUENT
ASSEMBLY RETURNED FROM THE EASTER RECESS AND BEGAN CON-
SIDERING THE JUDICIARY WITH ITS POLITICALLY SENSITIVE
SHARIA COURT ISSUE. END SUMMARY.

1. THE CONSTITUENT ASSEMBLY (CA) RETURNED FROM ITS
EASTER RECESS ON APRIL 3 AND BEGAN WORK ON THE SECTIONS
OF THE DRAFT CONSTITUTION CONCERNING THE JUDICIARY.
BEFORE THE RECESS, THE CA VIRTUALLY COMPLETED WORK ON
THE LEGISLATIVE SECTIONS. IN CONSIDERING
THE LEGISLATURE DRAFT SECTIONS, THE CA FOR THE MOST
PART ADOPTED CONSTITUTION DRAFTING COMMITTEE (CDC) PROPOSALS WITH
MINOR MODIFICATION.

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2. THE SENATE: AFTER DEBATE, THE CA APPROVED THE CDC
RECOMMENDATION THAT EACH STATE HAVE FIVE SENATORS.
SENATORS WILL BE ELECTED FROM DISTRICTS WITHIN STATES,
NOT AT LARGE, AND WILL HAVE FOUR YEAR TERMS. MINIMUM AGE
WILL BE 30 YEARS. THE CA ADOPTED ENGLISH AS THE SOLE
LANGUAGE FOR FEDERAL AND STATE LEGISLATIVE BODIES,
REJECTING VARIOUS AMENDMENTS TO APPROVE ONE OR MORE

INDIGENOUS LANGUAGES. PUBLIC SERVANTS ARE BARRED FROM LEGISLATIVE SERVICE AT ALL LEVELS.

3. THE HOUSE OF REPRESENTATIVES: THE CA OPTED TO INCREASE THE CDC RECOMMENDATION OF 350 SEATS TO 450. MINIMUM AGE FOR MEMBERSHIP IS 21 YEARS. MEMBERS WILL HAVE FOUR YEAR TERMS. BOTH NATIONAL HOUSES MAY SET UP APPROPRIATE COMMITTEES. THE CA ALSO DEVELOPED AN EXTENSIVE 'EXCLUSIVE LEGISLATIVE LIST' OF POWERS RESERVED TO THE NATIONAL ASSEMBLY AND A SO-CALLED 'CONCURRENT LIST' OF RESIDUAL STATE POWERS. BY U.S. STANDARDS, THE RESIDUAL STATE POWERS ARE EXTREMELY RESTRICTED.

4. LEGISLATIVE PROCESS: LEGISLATION MAY ORIGINATE IN EITHER THE HOUSE OR THE SENATE. THE PRESIDENT HAS 30 DAYS TO APPROVE OR DISAPPROVE A BILL PASSED BY BOTH HOUSES. PRESIDENTIAL WITHHOLDING OF ASSENT MAY BE OVERRIDDEN BY A TWO THIRDS MAJORITY IN BOTH HOUSES. JOINT COMMITTEES MAY BE CONVENED ON REVENUE AND APPROPRIATION BILLS WHERE THE TWO HOUSES DISAGREE. THESE SAME PROVISIONS APPLY GENERALLY AT THE STATE LEVEL.

5. CREATION OF NEW STATES: THE CA APPROVED THE FOLLOWING PROCEDURE FOR THE CREATION OF MORE STATES.

-- PETITION TO THE NATIONAL ASSEMBLY BY AT LEAST TWO-LIMITED OFFICIAL USE

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THIRDS OF THE MEMBERS OF THE NATIONAL ASSEMBLY, STATE ASSEMBLY AND LOCAL GOVERNMENT COUNCILS OF THE RELEVANT AREA SEEKING STATEHOOD.

-- REFERENDUM IN THE RELEVANT AREA WITH TWO- THIRDS MAJORITY IN FAVOR.

-- APPROVAL OF THE REFERENDUM RESULT BY A SIMPLE MAJORITY OF STATES BY A MAJORITY VOTE IN THE STATE ASSEMBLIES OF A SIMPLE MAJORITY OF STATES.

-- RESOLUTION SUPPORTED BY TWO-THIRDS MAJORITY OF THE MEMBERS OF THE NATIONAL ASSEMBLY (PRESUMABLY THE SENATE AND HOUSE OF REPRESENTATIVES VOTING TOGETHER). THE FORMULA WAS DEVELOPED BY A SPECIAL SUBCOMMITTEE OF CA POLITICAL HEAVYWEIGHTS AND APPROVED AFTER CONSIDERABLE DEBATE WITH A SURPRISING SMALL NUMBER OF MEMBERS VOTING ON THE SUBJECT BY A NARROW 66 TO 49 MARGIN.

6. STATE LEGISLATURES: STATE 'HOUSES OF ASSEMBLY' ARE TO CONSIST OF THREE TIMES THE TOTAL NUMBER OF SEATS WHICH A STATE HAS IN THE FEDERAL HOUSE OF REPRESENTATIVES. THE CA REJECTED BICAMERALISM FOR THE STATES AND TURNED DOWN AMENDMENTS TO INCLUDE STATE HOUSES OF CHIEFS. STATE COUNCILS OF CHIEFS HOWEVER WILL HAVE ADVISORY ROLES CONCERNING

CUSTOMARY AND CULTURAL AFFAIRS. STATE GOVERNORS MAY
NOT BE MEMBERS OF THE ASSEMBLY.

7. COMMENT: THE CA IS CONTINUING TO MAKE GOOD PROGRESS
IN ITS CONSIDERATION OF THE CONSTITUTION. IT NOW FACES
THE POTENTIALLY EXPLOSIVE SHARIA COURT ISSUE. IF OUR
EARLIER PREDICTION (REF B) PROVES CORRECT, ENOUGH
MOMENTUM HAS DEVELOPED IN CA ACTIVITIES TO CARRY THE
ASSEMBLY PAST THE ISSUE REGARDLESS OF ITS OUTCOME.
END COMMENT.
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